

Remarks

Upon entry of the foregoing amendment, claims 1-10, 13-20, 23-29, 31-33, 37, and 38 are pending in the application, with claims 1, 19, 20, and 26 being the independent claims. Claims 1, 19, 20, and 23-26 are sought to be amended. Claims 11, 21, 22, and 30 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 12 and 34-36 stand cancelled without prejudice to or disclaimer of the subject matter therein. Applicants reserve the right to prosecute similar or broader claims, with respect to the cancelled and amended claims, in the future. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 26 and 27

Claims 26 and 27 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,490,727 to Nazarathy *et al.* ("Nazarathy") in view of U.S. Patent Application Publication No. 2002/0131413 to Tsao *et al.* ("Tsao"). Applicants respectfully traverse.

Without acquiescing to the Examiner's statements for rejection, for other reasons, and in order to expedite prosecution, Applicants have amended independent claim 26 to include the claim 30 elements of "a high priority queue associated with a

high priority indicator, wherein said high priority queue receives the burst if said identifier matches said high priority indicator" and "a low priority queue associated with a low priority indicator, wherein said low priority queue receives the burst if said identifier matches said low priority indicator." The Examiner has indicated that claim 30 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For at least this reason, claim 26 is patentable over the combination of Nazarathy and Tsao. Reconsideration and allowance of claim 26 is respectfully requested.

Also, at least based on its respective dependency to claim 26, claim 27 should be found allowable over the applied references, as well as for its respective additional distinguishing features. Reconsideration and allowance of claim 27 is respectfully requested.

Claims 28, 29, 31-33, 37, and 38

Claims 28, 29, 31-33, 36, and 38 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nazarathy in view of Tsao and further in view of U.S. Patent No. 6,108,307 to McConnell *et al.* ("McConnell"). Applicants respectfully traverse.

As discussed above, claim 26 has been amended to include the features of claim 30. The Examiner has indicated that claim 30 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For at least this reason, claim 26 is patentable over the applied references. Claims 28, 29, 31-33, 36, and 38, all of which depend from independent

claims 26, are also patentable over the applied references for at least the reasons set forth above with respect to independent claim 26, and further in view of their own respective features. Reconsideration and allowance of claims 28, 29, 31-33, 36, and 38 is respectfully requested.

Claims 1-10, 13-21, and 23-25

The Examiner notes that claims 1-10, 13-21, and 23-25 are method claims corresponding to system claims 26-29, 31-33, 37, and 38. The Examiner indicates that claims 1-10, 13-21, and 23-25 are analyzed and rejected as previously discussed with respect to claims 26-29, 31-33, 37. Applicants respectfully traverse.

Claims 1-10 and 13-18

Without acquiescing to the Examiner's statements for rejection, for other reasons, and in order to expedite prosecution, Applicants have amended independent claim 1 to include the claim 11 element of "forwarding the burst to a priority queue associated with said priority indicator." The Examiner has indicated that claim 11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For at least this reason, claim 1 is patentable over the applied references. Reconsideration and allowance of claim 1 is respectfully requested.

Also, at least based on their respective dependencies to claim 1, claims 2-10 and 13-18 should be found allowable over the applied references, as well as for their respective additional distinguishing features. Reconsideration and allowance of claims 2-10 and 13-18 is respectfully requested.

Claim 19

Without acquiescing to the Examiner's statements for rejection, for other reasons, and in order to expedite prosecution, Applicants have amended independent claim 19 to include the claim 11 element of "forwarding the burst to a priority queue associated with said priority indicator." The Examiner has indicated that claim 11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For at least this reason, claim 19 is patentable over the applied references. Reconsideration and allowance of claim 19 is respectfully requested.

Claims 20, 21, and 23-25

Without acquiescing to the Examiner's statements for rejection, for other reasons, and in order to expedite prosecution, Applicants have amended independent claim 20 to include the claim 22 elements of "forwarding each burst to one of a plurality of priority queues associated with said priority indicator from said matching step." The Examiner has indicated that claim 22 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For at least this reason, claim 20 is patentable over the applied references. Reconsideration and allowance of claim 20 is respectfully requested.

Claim 21 is sought to be cancelled rendering its rejection moot.

Also, at least based on their respective dependencies to claim 20, claims 23-25 should be found allowable over the applied references, as well as for their respective additional distinguishing features. Reconsideration and allowance of claims 23-25 is respectfully requested.

Provisional Nonstatutory Double Patenting Rejection

The Examiner has provisionally rejected claims 1-11, 13-33, and 37-38 under the judicially created doctrine of obviousness-type double patenting for allegedly being unpatentable over claims 1-20 of later-filed, co-pending Application No. 11/889,937.

Pursuant to M.P.E.P § Section 804(I)(B)(1), since, based on the above amendments, the provisional nonstatutory obviousness-type double patenting rejection will be the only rejection remaining in the instant application, and the later-filed co-pending application (i.e., Application No. 11/889,937) has not been examined, the Examiner should withdraw the rejection and permit the instant application to issue as a patent without a terminal disclaimer.

Accordingly, Applicants respectfully request that the provisional nonstatutory obviousness-type double patenting rejection of claims 1-11, 13-33, and 37-38 be withdrawn and the claims be passed to allowance.

Allowable Subject Matter

Applicants express appreciation for the indication that claims 11, 22, and 30 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Michael D. Specht
Attorney for Applicants
Registration No. 54,463

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1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600